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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,662	10/11/2005	Hideki Nakata	061352-0107	2588
20277 7590 11/13/2008 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			EXAMINER NORMAN, MARC E	
			ART UNIT 3744	PAPER NUMBER
			MAIL DATE 11/13/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/552,662

Applicant(s)

NAKATA ET AL.

Examiner

Marc E. Norman

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,7,8 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,7,8 and 13-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statements(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____
- 7) ☐ Notices of Informal Patent Application
- 8) ☐ Paper No(s)/Mail Date 10/11/05

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. in view of Hongo et al.

As per claim 1, Takahashi et al. teach a motor control arrangement wherein a control unit estimates a rotational speed and rotational phase of a brushless (stepping) motor based on the motor current, whereby rotational speed fluctuation caused by load torque fluctuation is computed and the current phase of the motor is controlled so as to restrict said rotational speed fluctuation (Constitution section of Abstract). Takahashi et al. do not specifically teach the motor being driven by an inverter. However, brushless motors are commonly driven by inverters. Hongo et al., for example, teach a brushless motor being driven by inverter 10. It

would have been obvious to one of ordinary skill in the art at the time the invention was made to use an inverter within the system of Takahashi et al. for the purpose of providing control of the motor drive current.

As per claim 5, Takahashi et al. further teaches controlling the phase and, inherently (as caused by the phase shifts), the amplitude by the phase excitation controls discussed in the constitution section.

As per claims 7 and 8, Hongo et al. further teach the use of a rectifier 8 and capacitor 9 (column 1, line 67 - column 2, line 1). Official notice is taken that the functions recited in the claims are those commonly provided by these components.

Claims 13, 15, and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. in view of Hongo et al., and further in view of Horst.

As per claim 13, Takahashi et al. and Hongo et al. teach the power converter (rectifier), inverter, capacitor, and rotational speed control unit as already discussed above. Takahashi et al. and Hongo et al. do not teach controlling the current output based on a comparison between the amplitude of the motor current and the average of the motor current. Horst teaches a brushless motor control system wherein the amplitude of the current is controlled as a function of the average voltage. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply such controls to the system of Takahashi et al. for the purpose of reducing motor noise and fluctuation (Horst, column 8, line 49 - column 9, line 2).

As per claim 15, official notice is taken that this is the typical function of a rectifier.

As per claim 17, the motor current phase controls to restrict speed fluctuation is taught by Takahashi et al. as already discussed above regarding claim 1.

As per claim 18, official notice is taken that it is typical and common for brushless motors to have one peak per rotation.

As per claims 19-21, Hongo et al. further teach the using the brushless motor controls to a compressor of a refrigeration/AC cycle (Abstract; column 1, line 29; etc.).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc E. Norman whose telephone number is 571-272-4812. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Marc E. Norman/

Primary Examiner, Art Unit 3744